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1980

# c 34 Athletics Control Act

Ontario

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## CHAPTER 34

## Athletics Control Act

## 1. In this Act,

Interpre-  
tation

- (a) "Commissioner" means the Athletics Commissioner;
- (b) "Minister" means the Minister of Consumer and Commercial Relations or such other member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council;
- (c) "official" includes an examiner, judge, master of ceremonies, legally qualified medical practitioner, referee and timekeeper;
- (d) "person" includes a corporation, association, club and any unincorporated organization;
- (e) "professional contest or exhibition" means a professional contest or exhibition of baseball, bicycle riding, boxing, dancing, golf, hockey, jai-alai, lacrosse, motorcycle riding, physical prowess whether by contortion or otherwise, rowing, rugby, running, skating whether speed skating or figure skating, soccer, swimming, tennis, wrestling or any professional contest or exhibition of any other sport or game designated by the Lieutenant Governor in Council. R.S.O. 1970, c. 35, s. 1; O. Reg. 258/79.

2. The administration of this Act is under the direction and control of the Minister. R.S.O. 1970, c. 35, s. 2.

Direction  
and control

3. An Athletics Commissioner shall be appointed by the Lieutenant Governor in Council. R.S.O. 1970, c. 35, s. 3.

Athletics  
Commis-  
sioner

4.—(1) The Commissioner may issue licences under this Act and the regulations.

Functions  
of Com-  
missioner

(2) The Commissioner shall assist, promote and encourage amateur sport in community recreation centres under the *Community Recreation Centres Act* and associations of amateur sportsmen.

Idem  
R.S.O. 1980,  
c. 80

(3) The Commissioner is responsible for the supervision of professional contests and exhibitions and, under the direction and control of the Minister, shall assist in the administration of this Act and the regulations. R.S.O. 1970, c. 35, s. 4.

Idem

## Tax

5.—(1) Every person conducting a professional boxing or wrestling contest or exhibition shall pay to the Minister an amount not less than 1 per cent and not more than 5 per cent of the gross receipts in respect of such contest or exhibition as shall be determined by the Minister with the approval of the Lieutenant Governor in Council.

Reduction  
of tax

(2) Where a professional contest or exhibition is not the sole or main attraction offered at a presentation or exhibition for which admission is charged, the Minister may accept such amount as in the circumstances he considers proper in lieu of the percentage of the gross receipts payable under subsection (1).

## Idem

(3) If the Minister is satisfied that the entire proceeds of a professional contest or exhibition are for charitable purposes, he may accept such amount as in the circumstances he considers proper in lieu of the percentage of the gross receipts payable under subsection (1).

Remission  
of tax

(4) Every person conducting a professional contest or exhibition shall, within three days of the holding of such contest or exhibition, remit to the Minister by registered mail the amount payable under subsection (1).

## Offence

(5) Every person who conducts or participates in conducting or holding a professional contest or exhibition and who fails to comply with this section, in addition to the payment of the amounts provided in subsection (1), is guilty of an offence and on conviction is liable to a fine or not less than an amount equal to such amounts. R.S.O. 1970, c. 35, s. 5.

Impounding  
of boxing  
and  
wrestling  
purses, etc.

6.—(1) Where the Commissioner or any other person charges,

- (a) that a boxing or wrestling contest or exhibition was conducted in contravention of this Act or the regulations; or
- (b) that an agreement, contract or undertaking with respect to any boxing or wrestling contest or exhibition was entered into in contravention of this Act or the regulations; or
- (c) that the conduct of a person connected with or participating in a boxing or wrestling contest or exhibition was in contravention of this Act or the regulations or was not in the interest of boxing or wrestling,

the Commissioner may order any person to deliver to him forthwith any moneys that were paid or may be payable in connection with such contest or exhibition and such moneys shall be impounded by him pending the disposition of the charge.

(2) The Minister may direct the Commissioner or any other person to hold an investigation into the charge so made and to report thereon to him and, if in his opinion the charge has been proven, he may declare the moneys impounded to be forfeited, and such moneys thereupon become the property of the Crown. <sup>Investigation</sup>

(3) If the Minister does not direct an investigation or if he is of the opinion that the charge has not been proven, he shall order any moneys impounded to be released. <sup>Release of impounded moneys</sup>

(4) Every person who fails to deliver moneys to the Commissioner in pursuance of an order made under subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than an amount equal to twice the amount of the moneys ordered to be delivered. R.S.O. 1970, c. 35, s. 6. <sup>Offence</sup>

7. The Minister may direct the Commissioner or any other person to hold an investigation, <sup>Investigations</sup>

(a) where a branch of the Amateur Athletic Union of Canada in Ontario or a league, body or person connected with amateur sport operating in Ontario requests the Minister to cause an investigation to be held into any matter that the branch, league, body or person considers should be investigated in the interest of amateur sport in Ontario; or

(b) upon any matter that is considered by the Minister to be in the public interest. R.S.O. 1970, c. 35, s. 7.

8. For the purposes of an investigation under section 6 or 7, the Commissioner or other person holding such investigation has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to the investigation as if it were an inquiry under that Act. R.S.O. 1970, c. 35, s. 8; 1971, c. 49, s. 18. <sup>6 Powers on investigation</sup>

9. The moneys received by the Minister under section 5, together with all moneys received from licence and permit fees, fines and other pecuniary penalties and the impounding of purses or other remuneration, shall be paid into the Consolidated Revenue Fund. R.S.O. 1970, c. 35, s. 9. <sup>Payment into Consolidated Revenue Fund</sup>

Prohibiting  
use of  
building

**10.**—(1) Where moneys payable to the Minister under this Act or the regulations in respect of a professional contest or exhibition or a contest or exhibition of amateur boxing or wrestling are not received by the Minister within one week of the holding of such contest or exhibition, the Minister may direct that the building or other place where such contest or exhibition was held shall not be used for the holding of any professional contest or exhibition or any contest or exhibition of amateur boxing or wrestling until such moneys have been paid to the Minister.

Offence

(2) Where notice in writing of a direction made under subsection (1) is served upon or sent by registered mail to the owner, lessee or other person having control over the building or other place, such owner, lessee or other person is guilty of an offence and on conviction is liable to a fine of not less than \$20 and not more than \$100 in respect of every professional contest or exhibition or contest or exhibition of amateur boxing or wrestling held in such building or at such place during the continuance in force of such direction. R.S.O. 1970, c. 35, s. 10.

Contracts  
to manage  
professional  
boxers and  
wrestlers

**11.** A contract or agreement entered into for the management of a person taking part in professional boxing or wrestling contests or exhibitions, or for the taking part in any such contest or exhibition, is not valid or of any force or effect unless it is in writing signed by the parties thereto and approved by the Commissioner, and the Commissioner may at any time, by notice in writing to the parties, revoke any approval given by him and thereupon the contract or agreement is for all purposes void and of no effect. R.S.O. 1970, c. 35, s. 11.

Powers of  
Commissioner

**12.**—(1) The Commissioner may,

- (a) delegate to any person any of the powers or duties conferred or imposed upon him by this Act or the regulations;
- (b) designate the officials for any professional contest or exhibition or any amateur boxing or wrestling contest or exhibition and fix the fees that shall be paid to them by the person holding the contest or exhibition.

Admission  
to contests  
and  
exhibitions

(2) The Commissioner or a person to whom he has delegated any of his powers or duties shall be admitted without charge to professional contests and exhibitions and amateur boxing and wrestling contests and exhibitions. R.S.O. 1970, c. 35, s. 12.

**13.**—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations, Regulations

(a) prescribing the powers and duties of the Commissioner;

(b) authorizing the Commissioner,

(i) to order any amateur or professional boxing contest or exhibition to be stopped if he considers it necessary,

(ii) to approve the persons who may take part in professional boxing contests or exhibitions of more than ten three-minute rounds,

(iii) to designate the time and place of weighing-in for amateur and professional boxers and wrestlers,

(iv) to prescribe the time limit for amateur and professional boxing and wrestling contests and exhibitions,

(v) to direct a professional boxing contest or exhibition to be held notwithstanding a boxer under contract to take part therein is overweight,

(vi) to settle disputes referred to him by professional boxers and persons holding professional boxing contests or exhibitions,

(vii) to permit a substitute for a boxer who is unable or refuses to take part in a professional boxing contest or exhibition, and

(viii) to determine the announcements that may be made from the ring in amateur and professional boxing and wrestling contests and exhibitions in addition to those authorized by the regulations;

(c) prescribing the equipment to be used for and the rules applicable to the conduct of amateur and professional boxing and wrestling contests and exhibitions, including the appointment and duties of the officials of the contests and exhibitions, the definition of fouls and the manner of determining the winners;

- (d) providing for the issuing of licences and permits for the holding of amateur and professional boxing and wrestling contests and exhibitions and for the suspension and cancellation of such licences and the cancellation of such permits;
- (e) providing for the licensing of amateur and professional boxers and wrestlers, managers of professional boxers and wrestlers, referees, seconds and other officials officiating at amateur or professional boxing or wrestling contests or exhibitions and for the suspension and cancellation of such licences;
- (f) providing for the payment of fees for licences and permits and the manner of collecting such fees;
- (g) providing for payment to the Minister of a fee or charge by way of a licence fee or otherwise in respect of the holding of any amateur boxing or wrestling contest or exhibition and for the manner of collecting such fee or charge;
- (h) authorizing the Commissioner to levy fines or other pecuniary penalties against officials or against persons who are the holders or who by the regulations are required to be the holders of licences under this Act for failure to comply with any provision of this Act or of the regulations;
- (i) prescribing the forms of contracts to be used in connection with the services and management of professional boxers and wrestlers;
- (j) prescribing the duties of persons holding amateur or professional boxing or wrestling contests or exhibitions;
- (k) prescribing the security to be furnished to the Commissioner by persons holding professional boxing or wrestling contests or exhibitions to ensure payment of officials and contestants and the amount payable to the Minister under section 5;
- (l) regulating the holding and conduct of professional contests or exhibitions of dancing, swimming, rowing and tennis;
- (m) prescribing the classes of persons who may take part in amateur and professional boxing and wrestling contests and exhibitions;

- (n) defining "amateur" and "professional" for the purposes of this Act and the regulations;
- (o) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) Every person who contravenes any provision of this Act or of the regulations is guilty of an offence and on conviction is liable, if no other penalty is provided, to a fine of not less than \$20 and not more than \$1,000. <sup>General penalty</sup>

(3) Where a fine or other pecuniary penalty has been levied by the Commissioner under the regulations and such fine or other penalty has been paid, no proceedings shall be taken under the *Provincial Offences Act* in respect of the same matter. <sup>Duplication of penalties</sup> R.S.O. 1980, c. 400.



